IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5620 of 2005

Between:

Smt. G. Jaya Laxmi W/o. Sri Mallaiah
R/o. Thimmapuram Village, Arvapally Mandal, Nalgonda District.

..... PETITIONER

AND

1 The District Collector, Nalgonda, Nalgonda District.
2 The Revenue Divisional Officer, Suryapet, Nalgonda District.
3 The Mandal Parishad Development Officer, Arvapally Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in issuing the impugned proceedings Bearing PRoc.No. D/1315/04 dt. 6-1-2005 as illegal, arbitrary, malafide and violative of principles of natural justice and quash the said proceedings Proc. No. D/1315/04 dt. 6-1-2005 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MRS.A.JAYANTHI

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORDER:.

Heard both sides and at their request this Writ Petition is taken up for disposal at the stage of admission.

The petitioner challenges the order passed by the Revenue Divisional Officer-2nd respondent herein, suspending the authorization of the petitioner, pending enquiry, on the ground that the stocks that were meant for mid-day-meals have not been properly utilized.

Having regard to the facts and circumstances, I am of the prima facie view, that the Revenue Divisional Officer had rightly passed the impugned order, suspending the authorization of the petitioner, pending enquiry.

The learned counsel appearing for the petitioner relies on the judgment of this court reported in U.K. NARASIMHULU VS. JOINT COLLECTOR, KURNOOL DISTRICT AND OTEHRS, wherein it was held that if the order of suspension was imposed as a measure of punishment basing on the gravity of the charges, leveled against the dealer, it is imperative for the authority to indicate the period of suspension.

The learned counsel appearing for the petitioner submits that no period of

suspension was indicated in the order and, therefore, the same has to be set aside in the light of the judgment referred to above.

This aspect has to be gone into by the appellate authority, which can go into the facts of the case and decide the same. However, it is always open for the petitioner, to agitate all these questions, before the appellate authority.

Hence, having regard to the facts and circumstances, without expressing any opinion on the validity or otherwise of the impugned order, I dismiss the Writ Petition, with liberty reserved to the petitioner to prefer an appeal as provided under the relevant Control Order. No costs.

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D.S.R. VARMA, J

DATED: 21.03.2005

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To

1 The District Collector, Nalgonda, Nalgonda District.
2 The Revenue Divisional Officer, Suryapet, Nalgonda District.
3 The Mandal Parishad Development Officer, Arvapally Mandal, Nalgonda District.

4. Two CCs to G.P. for Civil Supplies, High Court of A.P. Hyderabad. (OUT)

5. Two CD copies.